

323-04/MEU/LJK

FREEHILL HOGAN & MAHAR, LLP
Attorneys for Plaintiff
HBC Hamburg Bulk Carriers GmbH & Co. KG
80 Pine Street
New York, NY 10005
(212) 425-1900
(212) 425-1901 fax
Michael E. Unger (MU 0045)
Lawrence J. Kahn (LK 5215)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HBC HAMBURG BULK CARRIERS GMBH
& CO. KG,

04 CIV _____ ()

Plaintiff, **KAHN AFFIDAVIT PURSUANT
TO RULE B(1)**

-against-

PROTEINAS Y OLEICOS S.A. DE C.V.,

Defendant.

-----X
State of New York)
) ss.:
County of New York)

LAWRENCE J. KAHN, being duly sworn, deposes and says as follows:

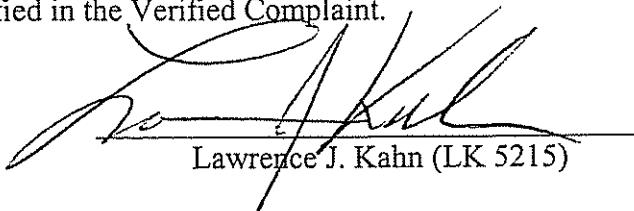
1. I am an attorney with the firm of Freehill Hogan & Mahar, LLP, attorneys for Plaintiff herein.
2. This affidavit is submitted pursuant to Supplemental Rule B of the Federal Rules of Civil Procedure.
3. Deponent has made an investigation and deponent believes that based upon the results of this investigation, the Defendant PROTEINAS Y OLEICOS S.A. DE C.V. is a corporation or other business entity which cannot be "found" within this District

for the purpose of an attachment under Rule B. In support of this position, deponent has conducted the following investigation:

- (a) Deponent contacted the office of the New York Department of State, Division of Corporations on August 24, 2004, via the official Department of State website at <http://www.dos.state.ny.us> and conducted a search for a corporation named "PROTEINAS Y OLEICOS, S.A. DE C.V." and the search result indicated that PROTEINAS Y OLEICOS, S.A. DE C.V. is not a New York corporation, nor is it licensed, authorized or registered to do business in the State of New York as either a domestic or international corporation;
- (b) Deponent consulted with Directory Assistance for New York on August 24, 2004 for area codes (212), (718), (914), and (845) and no listing for PROTEINAS Y OLEICOS, S.A. DE C.V. was located;
- (c) Deponent reviewed the Journal of Commerce (Business Directory) Transportation Telephone Tickler, 2004 Edition (Vol. 1 New York Metropolitan Area) and no listing was found for PROTEINAS Y OLEICOS, S.A. DE C.V.;
- (d) Deponent accessed on August 24, 2004, through Microsoft Internet Explorer and Yahoo! Search engines the yellow pages telephone directory database and found no listing in that database for any office or agent of PROTEINAS Y OLEICOS, S.A. DE C.V. in the State of New York;
- (e) Deponent is unaware of any general or managing agent(s) within this District for PROTEINAS Y OLEICOS, S.A. DE C.V.

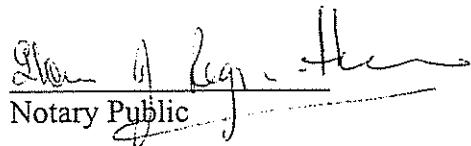
4. Based upon the foregoing, your deponent submits that Defendant PROTEINAS Y OLEICOS, S.A. DE C.V. cannot be "found" within this District for the

purpose of an attachment pursuant to Rule B and seeks an order of attachment against the assets of PROTEINAS Y OLEICOS, S.A. DE C.V. as may be found within this District up to and including the amount specified in the Verified Complaint.



Lawrence J. Kahn (LK 5215)

Sworn to before me this
25th day of August, 2004



Notary Public

GLORIA J. REGIS HOSEIN
Notary Public, State of New York
No. 01RE6065625, Qualified in Kings County
Certificate Filed in New York County
Commission Expires October 22, 2005